

**Executive Summary – Enforcement Matter – Case No. 44706**  
**Alloy Polymers Texas, LP**  
**RN102674306**  
**Docket No. 2012-1584-PWS-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PWS

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Alloy Polymers Texas, located at Highway 287 and Farm-to-Market Road 2160, Latexo, Houston County

**Type of Operation:**

Manufacturing plant with a public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 4, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,477

**Amount Deferred for Expedited Settlement:** \$1,695

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$6,782

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 44706**  
**Alloy Polymers Texas, LP**  
**RN102674306**  
**Docket No. 2012-1584-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** July 6, 2012

**Date(s) of NOE(s):** July 30, 2012

***Violation Information***

1. Failed to maintain pumps, motors, valves, and other mechanical devices in good working condition. Specifically, at the time of the investigation, it was documented that there was a severe leak in the service pump room [30 TEX. ADMIN. CODE § 290.46(m)(6)].
2. Failed to maintain a record of water works operation and maintenance activities that can be made accessible for review during inspections. Specifically, at the time of the investigation, it was documented that the annual inspections of the 210,000 gallon ground storage tank prior to the November 11, 2011 annual ground storage tank inspection were not available for review. In addition, flushing records prior to the last flushing record dated July 5, 2012 were not available for review [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(iv), and (f)(3)(D)(ii)].
3. Failed to have all backflow prevention assemblies tested on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications. Specifically, at the time of the investigation, it was documented that the Facility has a total of four reduced-pressure principle backflow prevention assemblies ("RPBAs"). However, the last date the RPBAs were tested was October 5, 2010 [30 TEX. ADMIN. CODE § 290.44(h)(4)].
4. Failed to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system. Specifically, it was documented that Respondent collected routine distribution samples from April 2012 to June 2012 from the same location [30 TEX. ADMIN. CODE § 290.109(c)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.033(d)].
5. Failed to operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" license. Specifically, at the time of the investigation, it was documented that the Facility has not had a licensed individual operating the Facility since October 10, 2009 [30 TEX. ADMIN. CODE § 290.46(e)(3)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a)].
6. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, at the time of the investigation, it was documented that the disinfectant residual had not been monitored once every seven days [30 TEX. ADMIN. CODE 290.110(c)(4)(A)].

**Executive Summary – Enforcement Matter – Case No. 44706**  
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**Docket No. 2012-1584-PWS-E**

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Respondent has implemented the following corrective measures:

- a. On July 10, 2012, had the four RPBA's tested by a recognized backflow assembly tester and certify that the assemblies are operating within specifications;
- b. On July 11, 2012, repaired the leak inside the service pump room;
- c. On July 11, 2012, provided and began maintaining the annual inspection record for the 210,000 gallon ground storage tank;
- d. On August 9, 2012, obtained an operator with a Class "D" water operator license;
- e. On August 24, 2012, provided and began maintaining flushing records; and
- f. On August 24, 2012, began monitoring the disinfectant residual at representative locations in the distribution system at least once every seven days.

**Technical Requirements:**

The Order will require Respondent to:

- a. Within 10 days, begin collecting routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system;
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

**Executive Summary – Enforcement Matter – Case No. 44706**  
**Alloy Polymers Texas, LP**  
**RN102674306**  
**Docket No. 2012-1584-PWS-E**

**TCEQ SEP Coordinator:** N/A

**Respondent:** Glenn Munshaw, Vice President - Manufacturing, Alloy Polymers Texas, LP, P.O. Box 1038, Latexo, Texas 75849

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	6-Aug-2012	<b>Screening</b>	7-Aug-2012	<b>EPA Due</b>	
	<b>PCW</b>	7-Aug-2012				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Alloy Polymers Texas, LP				
<b>Reg. Ent. Ref. No.</b>	RN102674306				
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	44706	<b>No. of Violations</b>	1		
<b>Docket No.</b>	2012-1584-PWS-E	<b>Order Type</b>	1660		
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Epifanio Villarreal		
		<b>EC's Team</b>	Enforcement Team 2		
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000	

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$8,500
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	0.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for compliance history.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$850
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$14  
Approx. Cost of Compliance: \$100

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$7,650
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$7,650
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$7,650
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$1,530
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$6,120
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Screening Date 7-Aug-2012

Docket No. 2012-1584-PWS-E

PCW

Respondent Alloy Polymers Texas, LP

Policy Revision 2 (September 2002)

Case ID No. 44706

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102674306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No adjustment for compliance history.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

Screening Date 7-Aug-2012

Docket No. 2012-1584-PWS-E

PCW

Respondent Alloy Polymers Texas, LP

Policy Revision 2 (September 2002)

Case ID No. 44706

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102674306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(e)(3)(A) and Tex. Health &amp; Safety Code § 341.033(a)

## Violation Description

Failed to operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" license. Specifically, at the time of the investigation, it was documented that the Facility has not had a licensed individual operating the Facility since October 10, 2009.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without a licensed water works operator managing the Facility, improper management of the water supply could result in employees of the water supply being exposed to contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 34

1032 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$8,500

Thirty-four monthly events are recommended from the date the Facility had a licensed operator, October 10, 2009, to the date of screening, August 7, 2012.

## Good Faith Efforts to Comply

10.0% Reduction

\$850

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes The Respondent achieved compliance August 9, 2012

Violation Subtotal \$7,650

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$7,650

This violation Final Assessed Penalty (adjusted for limits) \$7,650

# Economic Benefit Worksheet

**Respondent** Alloy Polymers Texas, LP  
**Case ID No.** 44706  
**Reg. Ent. Reference No.** RN102674306  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	10-Oct-2009	9-Aug-2012	2.83	\$14	n/a	\$14

Notes for DELAYED costs

The delayed cost includes the amount to update the Facility's guidance to ensure that the Facility is being operated under the direct influence of a water operator with a Class "D" license, calculated from the date of when the violation began to the date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

**TOTAL**

\$14





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**  
**DATES**

**Assigned**  
**PCW**

6-Aug-2012  
7-Aug-2012

**Screening**

7-Aug-2012

**EPA Due**

## RESPONDENT/FACILITY INFORMATION

**Respondent** Alloy Polymers Texas, LP

**Reg. Ent. Ref. No.** RN102674306

**Facility/Site Region** 10-Beaumont

**Major/Minor Source** Minor

## CASE INFORMATION

**Enf./Case ID No.** 44706

**Docket No.** 2012-1584-PWS-E

**Media Program(s)** Public Water Supply

**Multi-Media**

**No. of Violations** 5

**Order Type** 1660

**Government/Non-Profit** No

**Enf. Coordinator** Epifanio Villarreal

**EC's Team** Enforcement Team 2

**Admin. Penalty \$ Limit Minimum**

\$50

**Maximum**

\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

**Subtotal 1** \$760

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History**

**0.0%** Enhancement

**Subtotals 2, 3, & 7** \$0

**Notes**

No adjustment for compliance history.

**Culpability**

No

**0.0%** Enhancement

**Subtotal 4** \$0

**Notes**

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments**

**Subtotal 5** \$168

**Economic Benefit**

**0.0%** Enhancement\*

**Subtotal 6** \$0

Total EB Amounts

\$202

Approx. Cost of Compliance

\$1,324

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7**

**Final Subtotal** \$592

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

**33.3%**

**Adjustment** \$197

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

Enhancement recommended for recovery of avoided costs of compliance for nos. 3 and 5.

**Final Penalty Amount** \$789

**STATUTORY LIMIT ADJUSTMENT**

**Final Assessed Penalty** \$827

**DEFERRAL**

**20.0%**

Reduction

**Adjustment** -\$165

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

**\$662**

Screening Date 7-Aug-2012

Docket No. 2012-1584-PWS-E

PCW

Respondent Alloy Polymers Texas, LP

Policy Revision 3 (September 2011)

Case ID No. 44706

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102674306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 0%

Screening Date 7-Aug-2012

Docket No. 2012-1584-PWS-E

PCW

Respondent Alloy Polymers Texas, LP

Policy Revision 3 (September 2011)

Case ID No. 44706

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102674306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(6)

Violation Description

Failed to maintain pumps, motors, valves, and other mechanical devices in good working condition. Specifically, at the time of the investigation, it was documented that there was a severe leak in the service pump room.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to properly maintain the Facility's equipment could expose employees of the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

## Violation Events

Number of Violation Events 1

5 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$50

One quarterly event is recommended from the date of the investigation, July 6, 2012, to the date of compliance, July 11, 2012.

## Good Faith Efforts to Comply

25.0% Reduction

\$12

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent achieved compliance on July 11, 2012.

Violation Subtotal \$38

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$51

This violation Final Assessed Penalty (adjusted for limits) \$51

# Economic Benefit Worksheet

**Respondent** Alloy Polymers Texas, LP  
**Case ID No.** 44706  
**Reg. Ent. Reference No.** RN102674306  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	6-Jul-2012	11-Jul-2012	0.01	\$0	\$1	\$1
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount necessary to repair the leak in the service pump room, calculated from the date of the investigation to the date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

**TOTAL**

\$1

Screening Date 7-Aug-2012

Docket No. 2012-1584-PWS-E

PCW

Respondent Alloy Polymers Texas, LP

Policy Revision 3 (September 2011)

Case ID No. 44706

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102674306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(iv), and (f)(3)(D)(ii)

## Violation Description

Failed to maintain a record of water works operation and maintenance activities that can be made accessible for review during inspections. Specifically, at the time of the investigation, it was documented that the annual inspections of the 210,000 gallon ground storage tank prior to the November 11, 2011 annual ground storage tank inspection were not available for review. In addition, flushing records prior to the last flushing record dated July 5, 2012 were not available for review.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

	Falsification	Major	Moderate	Minor
				X

Percent 1.0%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$990

\$10

## Violation Events

Number of Violation Events 1

49 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$10

One single event is recommended.

## Good Faith Efforts to Comply

10.0% Reduction

\$1

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent achieved compliance on August 24, 2012.

Violation Subtotal \$9

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$12

This violation Final Assessed Penalty (adjusted for limits) \$50

# Economic Benefit Worksheet

**Respondent** Alloy Polymers Texas, LP  
**Case ID No.** 44706  
**Reg. Ent. Reference No.** RN102674306  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$45	6-Jul-2012	11-Jul-2012	0.01	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	6-Jul-2012	24-Aug-2012	0.13	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and begin maintaining the annual inspections for the ground storage tank, calculated from the date of the investigation to the date of compliance. The delayed cost includes the estimated amount to prepare and begin maintaining flushing records, calculated from the date of the investigation to the date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$90

TOTAL

\$0

Screening Date 7-Aug-2012

Docket No. 2012-1584-PWS-E

PCW

Respondent Alloy Polymers Texas, LP

Policy Revision 3 (September 2011)

Case ID No. 44706

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102674306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.44(h)(4)

Violation Description

Failed to have all backflow prevention assemblies tested on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications. Specifically, at the time of the investigation, it was documented that the Facility has a total of four reduced-pressure principle backflow prevention assemblies ("RPBAs"). However, the last date the RPBAs were tested was October 5, 2010.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to test RPBAs on an annual basis would not ensure the device is operating properly which could result in a reverse flow of contaminants entering into the water mains which would exceed levels that are protective of human health.

Adjustment \$850

\$150

## Violation Events

Number of Violation Events 4

365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$600

Four annual events are recommended (one event for each RPBA that was not tested).

## Good Faith Efforts to Comply

25.0% Reduction

\$150

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent achieved compliance on July 10, 2012.

Violation Subtotal \$450

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$134

Violation Final Penalty Total \$600

This violation Final Assessed Penalty (adjusted for limits) \$600

# Economic Benefit Worksheet

**Respondent** Alloy Polymers Texas, LP  
**Case ID No.** 44706  
**Reg. Ent. Reference No.** RN102674306  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$124	5-Oct-2011	6-Jul-2012	1.67	\$10	\$124	\$134

Notes for AVOIDED costs

The avoided cost includes the estimated amount to test all four RPBAs, calculated from the date when the test was due to the date of the investigation.

Approx. Cost of Compliance

\$124

TOTAL

\$134



Screening Date 7-Aug-2012

Docket No. 2012-1584-PWS-E

PCW

Respondent Alloy Polymers Texas, LP

Policy Revision 3 (September 2011)

Case ID No. 44706

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102674306

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(1)(A) and Tex. Health &amp; Safety Code § 341.033(d)

## Violation Description

Failed to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system. Specifically, it was documented that the Respondent collected routine distribution samples from April 2012 to June 2012 from the same location.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to collect bacteriological samples from active representative locations could result in inaccurate data, which could prevent the Facility from ensuring a continuous and safe water supply and could expose employees of the water supply to a significant amount of undetected contamination, which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

## Violation Events

Number of Violation Events 1

90 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$50

One quarterly event is recommended, for the timeframe the Respondent was collecting samples from the same location, April 2012 to June 2012.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$67

This violation Final Assessed Penalty (adjusted for limits) \$67

# Economic Benefit Worksheet

**Respondent** Alloy Polymers Texas, LP  
**Case ID No.** 44706  
**Reg. Ent. Reference No.** RN102674306  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	24-Apr-2012	10-Mar-2013	0.88	\$0	\$3	\$3
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to begin collecting distribution collform samples at locations identified in the Facility's approved monitoring plan and that are representative of the water quality throughout the distribution system, calculated from the initial date of non-compliance to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3

Screening Date 7-Aug-2012  
Respondent Alloy Polymers Texas, LP  
Case ID No. 44706  
Reg. Ent. Reference No. RN102674306  
Media [Statute] Public Water Supply  
Enf. Coordinator Epifanio Villarreal  
Violation Number 5

Docket No. 2012-1584-PWS-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Rule Cite(s)

30 Tex. Admin. Code 290.110(c)(4)(A)

Violation Description

Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, at the time of the investigation, it was documented that the disinfectant residual had not been monitored once every seven days.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to monitor the disinfectant residual at least once every seven days could expose employees of the Facility to a significant amount of bacteriological contamination which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

32 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$50

One quarterly event is recommended, from the date of the investigation, July 6, 2012, to the date of screening, August 7, 2012.

Good Faith Efforts to Comply

10.0% Reduction

\$5

	Before NOV		NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary	
Extraordinary			
Ordinary		x	
N/A			(mark with x)

Notes

The Respondent achieved compliance on August 24, 2012.

Violation Subtotal \$45

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$63

Violation Final Penalty Total \$60

This violation Final Assessed Penalty (adjusted for limits) \$60

# Economic Benefit Worksheet

**Respondent** Alloy Polymers Texas, LP  
**Case ID No.** 44706  
**Reg. Ent. Reference No.** RN102674306  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$60	6-Jul-2012	7-Aug-2012	1.01	\$3	\$60	\$63
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to perform weekly monitoring of the disinfectant residual throughout the system (\$10 per week), calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$60

**TOTAL** \$63

# Compliance History Report

Customer/Respondent/Owner-Operator: CN603033754 Alloy Polymers Texas, L.P. Classification: AVERAGE Rating: 2.16

Regulated Entity: RN102674306 ALLOY POLYMERS TEXAS Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION  
WATER LICENSING LICENSE 1130025  
1130025

Location: HIGHWAY 287 AND FM 2160, LATEXO, HOUSTON COUNTY, TX

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 07, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 07, 2007 to August 07, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Epi Villarreal Phone: 361-825-3425

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If **YES**, who is the current owner/operator? N/A
4. If **YES**, who was/were the prior owner(s)/operator(s)? N/A
5. If **YES**, when did the change(s) in owner or operator occur? N/A
6. Rating Date: N/A Repeat Violator: NO

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
  
1 07/30/2012 (1019523)  
2 02/13/2008 (611487)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ALLOY POLYMERS TEXAS, LP  
RN102674306**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2012-1584-PWS-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Alloy Polymers Texas, LP ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a manufacturing plant with a public water supply at Highway 287 and Farm-to-Market Road 2160 in Latexo, Houston County, Texas (the "Facility") that has one service connection and serves at least 25 people per day for at least 60 days per year.
2. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 4, 2012.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Eight Thousand Four Hundred Seventy-Seven Dollars (\$8,477) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Seven Hundred Eighty-Two Dollars (\$6,782) of the administrative penalty and One Thousand Six Hundred Ninety-Five Dollars (\$1,695) is deferred contingent upon the Respondent's

- timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
  7. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
  8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
    - a. On July 10, 2012, had the four reduced-pressure principle backflow prevention assemblies ("RPBA") tested by a recognized backflow assembly tester and certify that the assemblies are operating within specifications;
    - b. On July 11, 2012, repaired the leak inside the service pump room;
    - c. On July 11, 2012, provided and began maintaining the annual inspection record for the 210,000 gallon ground storage tank;
    - d. On August 9, 2012, obtained an operator with a Class "D" water operator license;
    - e. On August 24, 2012, provided and began maintaining flushing records; and
    - f. On August 24, 2012, began monitoring the disinfectant residual at representative locations in the distribution system at least once every seven days.
  9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
  10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:



1. Failed to maintain pumps, motors, valves, and other mechanical devices in good working condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(6), as documented during an investigation conducted on July 6, 2012. Specifically, at the time of the investigation, it was documented that there was a severe leak in the service pump room.
2. Failed to maintain a record of water works operation and maintenance activities that can be made accessible for review during inspections, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(iv), and (f)(3)(D)(ii) as documented during an investigation conducted on July 6, 2012. Specifically, at the time of the investigation, it was documented that the annual inspections of the 210,000 gallon ground storage tank prior to the November 11, 2011 annual ground storage tank inspection were not available for review. In addition, flushing records prior to the last flushing record dated July 5, 2012 were not available for review.
3. Failed to have all backflow prevention assemblies tested on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4), as documented during an investigation conducted on July 6, 2012. Specifically, at the time of the investigation, it was documented that the Facility has a total of four RPBAs. However, the last date the RPBAs were tested was October 5, 2010.
4. Failed to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.033(d), as documented during an investigation conducted on July 6, 2012. Specifically, it was documented that the Respondent collected routine distribution samples from April 2012 to June 2012 from the same location.
5. Failed to operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(3)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on July 6, 2012. Specifically, at the time of the investigation, it was documented that the Facility has not had a licensed individual operating the Facility since October 10, 2009.
6. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A), as documented during an investigation conducted on July 6, 2012. Specifically, at the time of the investigation, it was documented that the disinfectant residual had not been monitored once every seven days.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Alloy Polymers Texas, LP, Docket No. 2012-1584-PWS-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 10 days after the effective date of this Agreed Order, begin collecting routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system, in accordance with 30 TEX. ADMIN. CODE § 290.109;
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pam Jones  
For the Executive Director

2/6/13  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]  
Signature

9/26/2012  
Date

GLEN MURKIN  
Name (Printed or typed)  
Authorized Representative of  
Alloy Polymers Texas, LP

VP - MANUFACTURING  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.